

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
MCALLEN DIVISION

AMERICAN CIVIL RIGHTS UNION,  
in its individual and corporate capacities  
*Plaintiff,*

v.

ELECTION ADMINISTRATOR  
JOHN RODRIGUEZ, in his official capacity;  
and TEXAS SECRETARY OF STATE  
ROLANDO PABLOS, in his official capacity,  
*Defendants.*

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Civil Action No. 7:16-cv-00103

**DEFENDANT RODRIGUEZ'S SECOND MOTION TO DISMISS**

TO THE HONORABLE JUDGE OF THIS COURT:

Defendant Starr County Elections Administrator John Rodriguez, ("Defendant Rodriguez") files this Second Motion to Dismiss. In support hereof, Defendant Rodriguez offers the following:

**THE UNCLEAN HANDS DOCTRINE**

The doctrine of clean hands states that 'he who comes into equity must come with clean hands.' In this case, the Plaintiff does not come before this Court with clean hands when they request injunctive relief in equity. Plaintiff abused the discovery process in this case to develop and make false public accusations against Defendant Rodriguez and slanderously stated that several deceased registrants voted after they died, including a respected Retired Starr County District Judge. Therefore, the actions by Plaintiff constitute a violation of the clean hands doctrine and the Court should deny all relief requested by Plaintiff in this case for this abuse of discovery and its efforts to publicly defame the Defendant, other Starr County officials, denigrate the

reputation and credibility of Defendant before the public, state officials and this Honorable Court, and improperly influence the potential jury pool and finder of fact.

The maxim of clean hands is a common law doctrine that closes the doors of a court of equity to one tainted with bad faith relative for the matter in which he seeks relief, however improper may have been the behavior of the defendant. *Precision Instrument Mfg. Co. v. Auto. Maint. Mach. Co.*, 324 U.S. 806, 814–15 (1945). A party to a suit in equity, in order to obtain the relief sought, must not have been guilty of reprehensible conduct directly connected with the matter in controversy. The doctrine is founded in the historical concept of the courts of equity, which enforce conscience and good faith, and in where the court refuses to be made a party to inequity. *Id.* Equity requires that a claimant act fairly and without fraud or deceit as to the controversy at issue. *Keystone Driller Co. v. Gen. Excavator Co.*, 290 U.S. 240, 245 (1933)

“Under Texas law, ‘[t]he clean hands doctrine requires that one who seeks equity, does equity.’” *Bagby Elevator Co., Inc. v. Schindler Elevator Corp.*, 609 F.3d 768, 774 (5th Cir. 2010) quoting *Dunnagan v. Watson*, 204 S.W.3d 30, 41 (Tex. App.—Fort Worth 2006, pet. denied). “It is a fundamental principle of equity jurisprudence that a court of equity will exercise its extraordinary powers only for the enforcement of the requirements of conscience, and in enforcing them it demands conscientiousness in the parties. He that cometh into equity must have clean hands.” *Primeau v. Granfield*, 193 F. 911 (2d Cir. 1911). It is the moral intent of the party seeking relief, not the actual injury done, that is controlling in determining if a party has unclean hands. “What is material is not that the plaintiff’s hands are dirty, but that he dirtied them in acquiring the right he now asserts, or that the manner of dirtying renders inequitable the assertion of such rights against the defendant.” *Thomas P. Carney, Inc. v. School Dist.*, 633 F.Supp. 1273, 1285 (E.D.Pa.1986). In applying the clean hands maxim, the court is concerned primarily with its

own integrity as a forum of equity. Consequently, whether the defendants were directly injured by the claimed wrongdoing is irrelevant. *Ne. Women's Ctr., Inc. v. McMonagle*, 665 F. Supp. 1147, 1154–55 (E.D. Pa. 1987), *aff'd in part and remanded*, 868 F.2d 1342 (3d Cir. 1989).

A clean hands defense requires the defendants to make two showings. First, a defendant must establish that the plaintiff's conduct is inequitable. Second, a defendant must show that the plaintiff's inequitable conduct relates to the subject matter of the plaintiff's claim. *Id.* "It is sufficient to bar relief that plaintiff has been guilty of unconscionable conduct directly related to the cause of action, such as the fabrication of testimony, the subornation of perjury or other like attempt to perpetrate a fraud upon the court or take an unconscionable advantage of his adversary." *Mas v. Coca-Cola Co.*, 163 F.2d 505, 508 (4th Cir. 1947).

Plaintiff promulgated a false allegation that Starr County officials had allowed votes to be cast by deceased persons and posted a news story on its fund raising website under the banner "Attorney General Paxton Uncovers Dead Voters in Texas" stating that former District Judge Blas Chapa voted after he died.<sup>1</sup> The banner posted on the front page of the website by Plaintiff links to a story published by Brietbart.com that states:

This stunning information surfaced at a February Senate Select Committee on Election Security meeting when Brantley Starr, deputy first assistant to the AG, gave a "shout out" to the retired district judge born in 1930 who remains on the registration rolls despite his death nearly eight years ago. "The interesting thing that's remarkable of him voting three times in his 80's is he died in May of 2010," remarked Starr. That voter was Starr County Judge Blas Chapa, whose obituary ran in *The Monitor* within days of his passing. KRGV obtained the late judge's voting records from the Texas Secretary of State. They showed Chapa voted right up to two months before he died. His voter registration account status remains "active" and, as noted, he voted three times since he died. Records indicate that despite his May 2010 death, he's credited for casting a regular ballot in November 2010, plus the 2016 primary and general elections. The AG's office said they learned about Chapa's post-mortem voting record after it surfaced in discovery in a civil lawsuit against Starr County's voter registration record maintenance practices.

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<sup>1</sup> <http://www.theacru.org/attorney-general-paxton-uncovers-dead-voters-in-texas/>

Exhibit A (emphasis added). Deputy First Assistant Brantley Starr made this statement in testimony before the Texas Senate Select Committee on Election Security.<sup>2</sup> During his testimony, Mr. Starr stated that the Texas Attorney General learned of Judge Chapa's alleged voting after his death from a plaintiff in a federal civil lawsuit relating to Starr County voter registration. It is apparent that Mr. Starr and the Texas Attorney General received this false information from the Plaintiff in this case. There is no other federal civil lawsuit regarding voter registration pending against Starr County.

It is unknown at this time how exactly this information was relayed to Mr. Starr, but clearly the false information was provided by the Plaintiff in this case.<sup>3</sup> Further, Plaintiff is aware that this allegation is untrue. A cursory review of the applicable voting records, copies of which are attached, confirm that Judge Chapa last voted in the primary election in March of 2010. He died in May, 2010 and no votes have been cast in his name since. Blas Chapa, Jr., the son of Judge Chapa, and Blas Chapa, III, the grandson of Judge Chapa, are very much alive and have continued to vote. Exhibit B. Plaintiff made no effort to substantiate this false allegation before distributing it to the public, the Texas Attorney General and others. In recently produced discovery documents, Plaintiff produced the voter history list of all registered voters in Starr County. Exhibit C, Bates No. ACRU 806<sup>4</sup>. According to Plaintiff's own records, Judge Chapa did not vote after he died. The failure to even review its own documents before releasing this scurrilous accusation demonstrates callous disregard for the truth. Nevertheless, Plaintiff provided this false allegation

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<sup>2</sup> [http://tlcsenate.granicus.com/MediaPlayer.php?view\\_id=44&clip\\_id=13172](http://tlcsenate.granicus.com/MediaPlayer.php?view_id=44&clip_id=13172)

<sup>3</sup> Brantley Starr's uncle, Kenneth Starr, serves as a member of Plaintiff ACRU's Policy Board Emeritus. <http://www.theacru.org/policy-board/>

<sup>4</sup> This document was produced to Defendant Rodriguez in a Notepad document that is both voluminous and difficult to read. While a reader is able to find the voting record of Judge Chapa in the document, it was not presented in a printable format. Therefore, a CD with Bates ACRU 806 has been provided to the court along with a paper copy of this motion.

to the Texas Attorney General, posted it on its fundraising website, and continued to repeat it as recently as last week.

Since the publication of this unsubstantiated allegation, several area news organizations have repeated the false charge, including the McAllen Monitor and KRGV television.<sup>5</sup> This cynical attempt by the Plaintiff to inject false allegations of voter fraud into this case and defame the Defendant and other Starr County officials requires redress. It constitutes both an abuse of discovery and an attempt to influence the Court and poison the potential jury pool should this case proceed to trial. The Court should dismiss Plaintiff's suit in its entirety and deny all claims for equitable relief because Plaintiff comes before this court with unclean hands through its attempt to perpetrate a fraud upon the court and take an unconscionable advantage of Defendant Rodriguez through false allegations. Plaintiff's conduct is both inequitable and relates to the subject matter of this suit. *Coca-Cola Co.*, 163 F.2d at 508.

Plaintiff also produced an "audit" of the Starr County voter registration list. Exhibit D, Bates Nos. ACRU 762-764. The "audit" consists of a two-page report created by an unknown person on behalf of the Plaintiff. This "audit" was submitted by Plaintiff to Defendant as part of Plaintiff's discovery responses. Plaintiff is required to exercise due diligence to insure the accuracy of such documents. Attached to the report is a spreadsheet that purports to identify individual registered voters who were improperly registered for various reasons. One of the purported reasons was that certain registrants had voted after they died. However, these allegations are false. Exhibit E, voter histories of Julia Quintanilla, Maria Munoz, Sabas Guerra, and Elodia Lozano. No votes were cast in the name the voters identified by Plaintiff's "audit" after the date

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<sup>5</sup> [http://www.themonitor.com/news/local/article\\_f87af8f8-200e-11e8-8e51-4b4acc0e5144.html](http://www.themonitor.com/news/local/article_f87af8f8-200e-11e8-8e51-4b4acc0e5144.html);  
<https://empowertexans.com/around-texas/third-voter-fraud-arrest-south-texas/>;  
<http://www.krgv.com/story/37670707/starr-co-election-fraud-case-reveals-votes-cast-by-those-deceased>;  
<http://www.freerepublic.com/focus/f-news/3638890/posts>



they died. Notably Judge Chapa was not listed in this “audit,” indicating that Plaintiff was aware of the seriousness and lack of variety of the allegations. In any case, none of the voters identified by Plaintiff cast a ballot after dying, as Plaintiff alleged. The injection of these false allegations into the proceedings of this case clearly demonstrate the further attempts by Plaintiff to intimidate the election officials of Starr County by the use of false accusations. Such abusive tactics have no place in our Courts and deserve severe sanctions.

**PRAYER**

Wherefore, Defendant Rodriguez prays that the Court dismiss Plaintiff’s suit in its entirety and deny all claims for equitable and injunctive relief, and to all other relief to which Defendant Rodriguez may be entitled.

Respectfully submitted,



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**CERTIFICATE OF SERVICE**

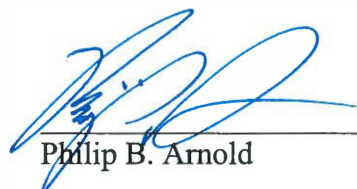
I certify that a copy of the Defendant Rodriguez's Second Motion to Dismiss was served electronically to the following on this 2nd day of April 2018:

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# EXHIBIT A



<http://www.breitbart.com/texas/2018/03/09/texas-ag-probing-border-county-judge-voting-years-death/#gsc.tab=0&gsc.q=texas%7C2018%7C20probing%7Cborder%7Ccounty%7Cjudge>

THE OFFICIAL BREITBART STORE

# Texas AG Probing Border County Judge 'Voting' Years After Death



by MERRILL HOPE 9 Mar 2018 71

<http://www.breitbart.com/texas/2018/03/09/texas-ag-probing-border-county-judge-voting-years-death/#gsc.tab=0&gsc.q=texas%7C2018%7C20probing%7Cborder%7Ccounty%7Cjudge>

Texas Attorney General Ken Paxton is investigating a case of purported voter fraud where a border county judge, who, although dead since 2010, continues to vote.

This stunning information surfaced at a February Senate Select Committee on Election Security meeting when Brantley Starr, deputy first assistant to the AG, gave a “shout out” to the retired district judge born in 1930 who remains on the registration rolls despite his death nearly eight years ago.

“The interesting thing that’s remarkable of him voting three times in his 80’s is he died in May of 2010,” remarked Starr.

That voter was Starr County Judge Blas Chapa, whose obituary ran in *The Monitor* within days of his passing. KRGV obtained the late judge’s voting records from the Texas Secretary of State. They showed Chapa voted right up to two months before he died. His voter registration account status remains “active” and, as noted, he voted three times since he died. Records indicate that despite his May 2010 death, he’s credited for casting a regular ballot in November 2010, plus the 2016 primary and general elections.

The AG’s office said they learned about Chapa’s post-mortem voting record after it surfaced in discovery in a civil lawsuit against Starr County’s voter registration record maintenance practices.

*advertisement*

In March 2016, the Public Interest Legal Foundation (PILF), an election integrity law firm, filed a civil lawsuit in federal court on behalf of the American Civil Rights Union (ACRU) against the Starr County election administrator. The court documents alleged the county failed to utilize reasonable efforts to keep voter rolls maintained properly to avoid fraud and other irregularities. The complaint alleged that county rolls contained more registered voters than citizens resident in Starr at the time.

The National Voter Registration Act (NVRA), more commonly known as the “motor voter” law, requires states to “implement procedures to maintain accurate and current voter registration lists.”

Additionally, the Texas Election Code requires that a notice gets sent to a local voter registrar and the Secretary of State to ensure a death is recorded. At the Senate committee meeting, Starr County District Attorney Omar Escobar, Jr., said something failed in the process and the death certificate never made it to the elections administration office for processing.

Breitbart Texas obtained a court document filed by the ACRU in the Starr County case. It alleges innumerable voter registration list failures of the elections administrator, including leaving dead registrants in the system, despite having access to the information about the deceased.

The filing makes the alarming observation that, “written statements were provided by multiple people about a volunteer deputy voter registrar informing noncitizens that they

<http://www.breitbart.com/texas/2018/03/09/texas-ag-probing-border-county-judge-voting-years-death/#gsc.tab=0&gsc.q=texas%7C2018%7C20probing%7Cborder%7Ccounty%7Cjudge>

may register to vote and, upon learning such allegations, [Starr County] did not even contact the accused registrar to investigate further.”

It also cited examples of improper registration conduct in cases where applicants did not provide the requisite data for their ballots, some who improperly provided a P.O. Box as their residential address, and others who were approved to vote even though they marked the citizenship checkbox “no” or left it unchecked, which violates Texas and federal law.

In January, Breitbart Texas reported that Escobar vowed to crack down on voter fraud in response to questionable voter rolls and allegations of mail-in ballot application fraud involving, in part, dead voters:

Several requests for a mail ballot contained false details about the alleged applicants while at least one was filled in the name of a deceased person still listed as a registered voter. The DA also gave the elections department a list of those convicted of felonies, including those who are on felony probation and ineligible to vote for the purpose of removing them from the rolls.

The Texas Legislature passed Senate Bill 5 (SB 5) last special session which makes it a crime to give false information on a voter application. It also provides for a criminal penalty to apply in the name of a potential voter without their consent. The offense is a felony.

Paxton responded to Escobar’s stance by assisting with the county’s voter fraud prosecutions. To date, seven people have been arrested.

The late Judge Chapa rose to national media attention in the 1990s when the State of Texas accused him and a business partner of operating as a slum lord in the border adjacent “colonias,” home to significant numbers of Mexican immigrants. Texas demanded \$21.6 million related to claims that he sold plots of land to homeowners without the locally-required roads, sewers, and other utilities necessary for closing a sale. *The New York Times* noted in 1995 that Chapa was operating an illegal trash dump that he later covered to develop more residential plots.

Starr County, located on the U.S.-Mexico Border, is part of the combined Rio Grande City and McAllen-Edinburg statistical area. It is one of 13 Texas counties with more registered voters than eligible residents, according to the Public Interest Legal Foundation.

Breitbart Texas reported PILF recently put Bexar and Harris counties on notice for failing to disclose noncitizen registered voter records. Federal lawsuits may follow this year. PILF argues that the NVRA allows them public inspection rights of voter maintenance records. *Follow Merrill Hope, a member of the original Breitbart Texas team, on Twitter.*

### **Read More Stories About:**

2018 Elections, Breitbart Texas, Pre-Viral, American Civil Rights Union, National Voter Registration Act, Public Interest Legal Foundation, Starr County, Starr County District Attorney Omar Escobar, Texas Senate Bill 5

# EXHIBIT B



Voter Name		EDR	VUID	Voter Address	
BLAS CHAPA		03/01/1976	1006069687	8 MILES EAST OF RIO GRANDE CITY ON EAST SIDE OF HWY 83,2-STO RIO GRANDE CITY 78582   COUNTY: 214 - PRECINCT: 8	

ACTIVITY DATE	ELECTION NAME	ELECTION TYPE	PARTY	PRECINCT	BALLOT TYPE	BALLOT STATUS	REJECTION REASON	ENVELOPE/PROVISIONAL TRACKING ID	POLL PLACE	COUNTY VOTE CAST IN
03/02/2010	2010 DEMOCRATIC PRIMARY ELECTION	PRIMARY	DEMOCRAT	8	ELECTION DAY BALLOT	ACCEPTED			OLD LA UNION ELEMENTARY	STARR
10/31/2008	2008 NOVEMBER 4TH GENERAL ELECTION	GENERAL ELECTION		8	EARLY VOTING BALLOT	ACCEPTED			STARR COUNTY COURTHOUSE	STARR
11/04/2008	2008 NOVEMBER 4TH - RIO GRANDE CITY ISD	LOCAL ELECTION		8	ELECTION DAY BALLOT	ACCEPTED			OLD LA UNION ELEMENTARY	STARR
02/28/2008	2008 REPUBLICAN PRIMARY ELECTION	PRIMARY	REPUBLICAN	8	EARLY VOTING BALLOT	ACCEPTED			STARR COUNTY COURTHOUSE	STARR
11/01/2007	2007 NOVEMBER 6TH GENERAL ELECTION	GENERAL ELECTION		8	EARLY VOTING BALLOT	ACCEPTED			STARR COUNTY COURTHOUSE	STARR
11/07/2006	2006 - NOVEMBER 7 - GENERAL ELECTION	GENERAL ELECTION		8	ELECTION DAY BALLOT	ACCEPTED			STARR COUNTY COURTHOUSE	STARR
11/02/2004	2004 - NOVEMBER 2ND - GENERAL ELECTION	GENERAL ELECTION		8	ELECTION DAY BALLOT	ACCEPTED			STARR	STARR
03/09/2004	2004-MARCH 9TH GENERAL PRIMARY ELECTION	PRIMARY		8	ELECTION DAY BALLOT	ACCEPTED			STARR	STARR
09/13/2003	2003 - SEPT. 13TH CONSTITUTIONAL ADMEND. ELECTION	GENERAL ELECTION		8	ELECTION DAY BALLOT	ACCEPTED			STARR	STARR
11/05/2002	2002-NOVEMBER 5TH GENERAL ELECTION	GENERAL ELECTION		8	ELECTION DAY BALLOT	ACCEPTED			STARR	STARR
04/09/2002	2002 - APRIL 9TH PRIMARY RUNOFF ELECTION	PRIMARY RUN-OFF ELECTION		8	ELECTION DAY BALLOT	ACCEPTED			STARR	STARR
03/12/2002	2002 - MARCH 12TH GENERAL PRIMARY ELECTION	PRIMARY		8	ELECTION DAY BALLOT	ACCEPTED			STARR	STARR
03/14/2000	2000 -MARCH 14TH GENERAL PRIMARY ELECTION	PRIMARY		8	ELECTION DAY BALLOT	ACCEPTED			STARR	STARR
11/03/1998	1998 NOVEMBER 3RD GENERAL ELECTION	GENERAL ELECTION		8	ELECTION DAY BALLOT	ACCEPTED			STARR	STARR
03/10/1998	1998 GENERAL PRIMARY ELECTION	PRIMARY		8	ELECTION DAY BALLOT	ACCEPTED			STARR	STARR

D-014592

3/26/2018

## New Voter Registration

## Inquiry - View Voter Registration

Voter Information

Previous Name, Address &amp; Status

Voter Participation History

Audit History

View Corres.

Ref./Canc. History

Voter Election Ballot Style

Duplicate History

Voter Name

EDR

VUID

Voter Address

BLAS CHAPA JR

03/01/1976

1006069673

352 SOUTH OAK STREET  
RIO GRANDE CITY 78582

ACTIVITY DATE	ELECTION NAME	ELECTION TYPE	PARTY	PRECINCT	BALLOT TYPE	BALLOT STATUS	REJECTION REASON	ENVELOPE/PROVISIONAL TRACKING ID	POLL PLACE	COUNTY VOTE CAST IN
02/24/2018	2018 MARCH 6TH DEMOCRATIC PRIMARY	PRIMARY	DEMOCRAT	2	EARLY VOTING BALLOT	ACCEPTED			EARLY	STARR
11/08/2016	2016 NOVEMBER 8TH GENERAL ELECTION	GENERAL ELECTION		2	ELECTION DAY BALLOT	ACCEPTED			ELECTION DAY	STARR
02/24/2016	2016 MARCH 1ST DEMOCRATIC PRIMARY	PRIMARY	DEMOCRAT	2	EARLY VOTING BALLOT	ACCEPTED				STARR
10/21/2014	2014 RGCCISD BOARD OF TRUSTEES ELECTION	LOCAL ELECTION		2	EARLY VOTING BALLOT	ACCEPTED			EL CENIZO PARK	STARR
10/21/2014	2014 NOVEMBER 4TH GENERAL ELECTION	GENERAL ELECTION		2	EARLY VOTING BALLOT	ACCEPTED			EARLY	STARR
10/23/2012	2012 NOVEMBER 6TH GENERAL ELECTION	GENERAL ELECTION		2	EARLY VOTING BALLOT	ACCEPTED			EL CENIZO PARK	STARR
05/29/2012	2012 MAY 29TH REPUBLICAN PRIMARY	PRIMARY	REPUBLICAN	2	ELECTION DAY BALLOT	ACCEPTED			ROQUE GUERRA JR ELEMENTARY	STARR
05/07/2012	2012 CITY OF RIO GRANDE CITY ELECTION	LOCAL ELECTION		2	EARLY VOTING BALLOT	ACCEPTED			OLD RINGGOLD ELEMENTARY SCHOOL EARLY VOTING	STARR
11/02/2010	2010 NOVEMBER 2ND - RIO GRANDE CITY ISD	LOCAL ELECTION		2	ELECTION DAY BALLOT	ACCEPTED			NORTH GRAMMAR ELEMENTARY	STARR
11/02/2010	2010 NOVEMBER 2ND GENERAL ELECTION	GENERAL ELECTION		2	ELECTION DAY BALLOT	ACCEPTED			NORTH GRAMMAR ELEMENTARY	STARR
03/02/2010	2010 DEMOCRATIC PRIMARY ELECTION	PRIMARY	DEMOCRAT	2	ELECTION DAY BALLOT	ACCEPTED			NORTH GRAMMAR ELEMENTARY	STARR
10/27/2008	2008 NOVEMBER 4TH - RIO GRANDE CITY ISD	LOCAL ELECTION		2	EARLY VOTING BALLOT	ACCEPTED			OLD RINGGOLD ELEMENTARY SCHOOL EARLY VOTING	STARR
03/04/2008	2008 REPUBLICAN PRIMARY ELECTION	PRIMARY	REPUBLICAN	2	ELECTION DAY BALLOT	ACCEPTED			NORTH GRAMMAR ELEMENTARY	STARR



3/26/2018

## New Voter Registration

## Inquiry - View Voter Registration

[Voter Information](#)
[Previous Name, Address & Status](#)
[Voter Participation History](#)
[Audit History](#)
[View Certs.](#)

[Rej./Canc. History](#)
[Voter Election Ballot Style](#)
[Duplicate History](#)

Voter Name	EDR	VUID	Voter Address
BLAS CHAPA III	02/22/2004	1020686274	352 SOUTH OAK STREET RIO GRANDE CITY 78582

ACTIVITY DATE	ELECTION NAME	ELECTION TYPE	PARTY	PRECINCT	BALLOT TYPE	BALLOT STATUS	REJECTION REASON	ENVELOPE/PROVISIONAL TRACKING ID	POLL PLACE	COUNTY VOTE CAST IN
05/29/2012	2012 MAY 29TH REPUBLICAN PRIMARY	PRIMARY	REPUBLICAN	2	ELECTION DAY BALLOT	ACCEPTED			ROQUE GUERRA JR ELEMENTARY	STARR
10/31/2008	2008 NOVEMBER 4TH GENERAL ELECTION	GENERAL ELECTION		2	EARLY VOTING BALLOT	ACCEPTED			STARR COUNTY COURTHOUSE	STARR
02/28/2008	2008 REPUBLICAN PRIMARY ELECTION	PRIMARY	REPUBLICAN	2	EARLY VOTING BALLOT	ACCEPTED			STARR COUNTY COURTHOUSE	STARR

[Previous](#)

# EXHIBIT C



# EXHIBIT D

### **Starr County, TX 'DDD' Audit**

Utilizing data released from the Texas Secretary of State, a broad battery audit of Starr County's voter file was performed to determine maintenance flaws related to in-county voter duplication, potential double voting, deceased records and other apparent issues.

A breakdown of findings can be found below.

#### **In-County Voter Duplications**

**Purpose:** In-county duplication occurs for a variety of reasons, particularly when a clerical error in data entry or married name confusion enters into the voter registration procedure. Duplication can risk double voting if left unaddressed or, at the very least, create confusion at poll check-in and create longer queues to vote.

**Methodology:** Duplicates were initially identified using date of birth and name spelling matches to determine likely voter duplications. Pairs tend to exhibit multiple correlations among data entry points. Efforts to minimize false positives were taken by accounting for suffixes where available and striking name matches with birthdates 16 years apart and beyond—though this proved largely unnecessary due to closeness of data entries.

**Findings:** Starr County yielded 149 duplicate sets of registered voters.

#### **Potential Voting History Irregularity: Double Voting**

**Purpose:** Duplicated registrants risk receiving multiple voter registration proofs and could manage to cast ballots via mail and in person during a single election. Where double voting does not outright occur, additional risk of confusion upon check-in at polling locations can extend queueing periods.

**Methodology:** Duplicates discovered were subjected to line-by-line voter history analysis, highlighting records that were given vote history credits in matching elections.

**Finding:** Of the 149 duplicates, **16 sets** were highlighted for potential double voting.

#### **Age Issues: Potentially Deceased Voters and Placeholder DOBs**

**Purpose:** High levels of irregular voter ages can indicate failures to remove outdated files and show sub-standard attention to detail when entering dates of birth at registration.

**Methodology:** Starr County's file was sorted to identify the number of registered voters (both ACTIVE and SUSPENSE) aged 100 years or older. All were screened against the Social Security Death Index. A separate review sought to identify voters that appear to present a standardized placeholder date of birth due to lacking information.

**Findings:** A total of **40 registered voters** were aged 100+ at the time of the study. Of those, **21 voters** were matched and labeled deceased by the Social Security Death Index. Of those matched against SSDI, **four (4)** are given credits for voting after their respective dates of death. Separately, **16 voters** show likely placeholder dates of birth.



**Age Issues: Underage Voters**

**Purpose:** Sub-standard attention to detail when entering dates of birth at registration can create the appearance of underage voters in the least, or even leave the documented potential of illegal registrations.

**Methodology:** The Starr County file was reviewed to identify minors registered at an age younger than 17.

**Findings:** A total of **5 voters** were apparently registered at age 16 or younger. All were listed as ACTIVE as of the release of the Starr County voter file.

**Voter Roll Irregularity: 'Unavailable' Residential Addresses**

**Purpose:** Texas law requires that voter applicants provide full addresses or descriptions of the same for their residence of record with the option to dedicate a separate mailing address. This study seeks to identify records not fitting either requirement governing residential addresses.

**Methodology:** Star County's data was sorted to identify incomplete address records.

**Finding:** **63 records** were flagged for missing residential addresses. Each record notes "UNAVAILABLE LOCATION" where a street number and name would be given and denotes the city and ZIP code for each. Every record indicates a PO Box as a mailing address.





# EXHIBIT E

## Inquiry - View Voter Registration

Voter Information

Previous Name, Address &amp; Status

Voter Participation History

Audit History

View Corres.

Reg./Canc. History

Voter Election Ballot Style

Duplicate History

Voter Name	EDR	VOID	Voter Address
JULIA QUINTANILLA	03/05/2000	1011639813	MORELOS ST ROMA 78584   COUNTY: 214 - PRECINCT: 6

ACTIVITY DATE	ELECTION NAME	ELECTION TYPE	PARTY	PRECINCT	BALLOT TYPE	BALLOT STATUS	REJECTION REASON	ENVELOPE/PROVISIONAL TRACKING ID	POLL PLACE	COUNTY VOTE CAST IN
05/16/2012	2012 MAY 29TH DEMOCRATIC PRIMARY	PRIMARY	DEMOCRAT	6	ABSENTEE BALLOT	RECEIVED		SOS180891		STARR
05/08/2010	2010 MAY 8TH - ROMA ISD	LOCAL ELECTION		6	ELECTION DAY BALLOT	ACCEPTED			F J SCOTT ELEMENTARY	STARR
02/10/2010	2010 DEMOCRATIC PRIMARY ELECTION	PRIMARY	DEMOCRAT		ABSENTEE BALLOT	REJECTED		99459		STARR
11/07/2006	2006 - NOVEMBER 7 - GENERAL ELECTION	GENERAL ELECTION		6	ELECTION DAY BALLOT	ACCEPTED				STARR
03/09/2004	2004-MARCH 9TH GENERAL PRIMARY ELECTION	PRIMARY		6	ELECTION DAY BALLOT	ACCEPTED				STARR
03/14/2000	2000 -MARCH 14TH GENERAL PRIMARY ELECTION	PRIMARY		6	ELECTION DAY BALLOT	ACCEPTED				STARR

Previous

D-014588

## Inquiry - View Voter Registration

[Voter Information](#)
[Previous Name, Address & Status](#)
[Voter Participation History](#)
[Audit History](#)
[View Corres.](#)

[Reg./Cand. History](#)
[Voter Election Ballot Style](#)
[Duplicate History](#)

Voter Name	EDR	VOID	Voter Address
MARIA MUNOZ	05/13/2007	1142908770	18 EULOGIO MUNOZ LOOP ESCOBARES 78584

ACTIVITY DATE	ELECTION NAME	ELECTION TYPE	PARTY	PRECINCT	BALLOT TYPE	BALLOT STATUS	REJECTION REASON	ENVELOPE/PROVISIONAL TRACKING ID	POLL PLACE	COUNTY VOTE CAST IN
02/19/2008	2008 DEMOCRATIC PRIMARY ELECTION	PRIMARY	DEMOCRAT	3	EARLY VOTING BALLOT	ACCEPTED			STARR COUNTY COURTHOUSE	STARR

Previous

D-014589

## Inquiry - View Voter Registration

Voter Information

Previous Name, Address &amp; Status

Voter Participation History

Audit History

View Corres.

Rej./Canc. History

Voter Election Ballot Style

Duplicate History

Voter Name	EDR	VUID	Voter Address
SABAS GUERRA	11/06/2000	1013374585	RICHARD PEEL AVE ROMA 78584   COUNTY: 214 - PRECINCT: 6

ACTIVITY DATE	ELECTION NAME	ELECTION TYPE	PARTY	PRECINCT	BALLOT TYPE	BALLOT STATUS	REJECTION REASON	ENVELOPE/PROVISIONAL TRACKING ID	POLL PLACE	COUNTY VOTE CAST IN
02/18/2010	2010 DEMOCRATIC PRIMARY ELECTION	PRIMARY	DEMOCRAT		ABSENTEE BALLOT	RECEIVED		102785		STARR
02/20/2010	2010 DEMOCRATIC PRIMARY ELECTION	PRIMARY	DEMOCRAT	6	ABSENTEE BALLOT	RECEIVED		98967		STARR
03/09/2004	2004-MARCH 9TH GENERAL PRIMARY ELECTION	PRIMARY		6	ELECTION DAY BALLOT	ACCEPTED				STARR

Previous

D-014590

## Inquiry - View Voter Registration

Voter Information

Previous Name, Address &amp; Status

Voter Participation History

Audit History

View Corres.

Rej./Canc. History

Voter Election Ballot Style

Duplicate History

Voter Name	EDR	VOID	Voter Address
ELODIA LOZANO	02/13/1998	1009075863	600 NORTH FAIRGROUND ROAD APT 2 RIO GRANDE CITY 78582

ACTIVITY DATE	ELECTION NAME	ELECTION TYPE	PARTY	PRECINCT	BALLOT TYPE	BALLOT STATUS	REJECTION REASON	ENVELOPE/PROVISIONAL TRACKING ID	POLL PLACE	COUNTY VOTE CAST IN
11/07/2006	2006 - NOVEMBER 7 - GENERAL ELECTION	GENERAL ELECTION		1	ELECTION DAY BALLOT	ACCEPTED				STARR
11/02/2004	2004 - NOVEMBER 2ND - GENERAL ELECTION	GENERAL ELECTION		1	ELECTION DAY BALLOT	ACCEPTED				STARR
03/09/2004	2004- MARCH 9TH GENERAL PRIMARY ELECTION	PRIMARY		1	ELECTION DAY BALLOT	ACCEPTED				STARR
11/05/2002	2002- NOVEMBER 5TH GENERAL ELECTION	GENERAL ELECTION		1	ELECTION DAY BALLOT	ACCEPTED				STARR
04/09/2002	2002 - APRIL 9TH PRIMARY RUNOFF ELECTION	PRIMARY RUN-OFF ELECTION		1	ELECTION DAY BALLOT	ACCEPTED				STARR
03/12/2002	2002 - MARCH 12TH GENERAL PRIMARY ELECTION	PRIMARY		1	ELECTION DAY BALLOT	ACCEPTED				STARR
03/14/2000	2000 - MARCH 14TH GENERAL PRIMARY ELECTION	PRIMARY		1	ELECTION DAY BALLOT	ACCEPTED				STARR
11/03/1998	1998 NOVEMBER 3RD GENERAL ELECTION	GENERAL ELECTION		1	ELECTION DAY BALLOT	ACCEPTED				STARR
03/10/1998	1998 GENERAL PRIMARY ELECTION	PRIMARY		1	ELECTION DAY BALLOT	ACCEPTED				STARR

Previous

D-014591



IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
MCALLEN DIVISION

AMERICAN CIVIL RIGHTS UNION,  
in its individual and corporate capacities,  
*Plaintiff,*

V.

ELECTION ADMINISTRATOR  
JOHN RODRIGUEZ, in his official  
capacity; and TEXAS SECRETARY OF  
STATE ROLANDO PABLOS, in his  
official capacity,  
*Defendants.*

Civil Action No. 7:16-CV-00103

## ORDER GRANTING DEFENDANT RODRIGUEZ'S SECOND MOTION TO DISMISS

On this day, the Court considered Defendant Rodriguez’s Second Motion to Dismiss (“Motion”). Following a review of Defendant’s Motion, Plaintiff’s response, and any reply thereto, the Court is of the opinion that Defendant’s Motion is meritorious and should be GRANTED.

IT IS THEREFORE ORDERED that Defendant Rodriguez's Second Motion to Dismiss is hereby GRANTED, and all claims against Defendant Rodriguez are hereby DISMISSED WITH PREJUDICE.

It is SO ORDERED this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

HON. RICARDO H. HINOJOSA  
UNITED STATES DISTRICT JUDGE